

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA

Criminal No: 3:22-761

18 U.S.C. § 371

42 U.S.C. § 1320a-7b(b)

v.

INFORMATION

JOHN DEWEY HYNES

COUNT 1

(Conspiracy to Defraud the United States)

THE UNITED STATES ATTORNEY CHARGES:

1. The Defendant, JOHN DEWEY HYNES, and others defrauded the United States, Medicare, and Medicare beneficiaries through a fraudulent kickback scheme that placed profit over care.

Conspiracy

2. From at least in or around November 2018, and continuing up to August 2020, in the District of South Carolina and elsewhere, the Defendant and others knowingly and intentionally combined, conspired, confederated, agreed, and had a tacit understanding to:

- a. knowingly defraud the United States by impairing, obstructing and defeating, and attempting to impair, obstruct, and defeat the lawful functions of the United States Department of Health and Human Services “hereinafter DHHS;”
- b. knowingly offering and paying remuneration, including kickbacks, directly and indirectly, overtly and covertly, in cash and in kind, to any person to induce a person to refer an individual to a person for the furnishing and arranging for the furnishing of any item or service for which payment may be made in whole and in part under a

Federal health care program, that is, Medicare, in violation of Title 42, United States Code, Section 1320a-7b(b)(2)(A); and

- c. knowingly offering and paying remuneration, including kickbacks and bribes, directly and indirectly, overtly and covertly, in cash and in kind, to any person to induce such person to purchase, and arrange for and recommend purchasing and ordering any good, for which payment may be made in whole and in part under a Federal health care program, that is, Medicare, in violation of Title 42, United States Code, Section 1320a-7b(b)(2)(B).

Purpose of the Conspiracy

3. It was the purpose of the conspiracy for the Defendant, JOHN DEWEY HYNES, and others to enrich themselves and maximize profits at the expense of the United States and patients by participating in the following scheme.

Manner and Means of the Conspiracy

4. The manner and means of the conspiracy operated substantially as follows and include, but were not limited to:

- a. The Defendant contracted through a telemedicine company;
- b. The telemedicine company contracted with a marketing company that provided durable medical equipment companies signed prescriptions for Medicare beneficiaries;
- c. The telemedicine company would be provided information of a Medicare beneficiary who had been contacted by the marketing company regarding a product, or who had filled out a screening form;
- d. The Defendant would be provided answered intake clinical summaries from the

telemedicine company;

- e. The Defendant would often sign prescriptions of Medicare beneficiaries whom the Defendant did not have patient/healthcare professional relationship, and the Defendant would often sign prescriptions without ever speaking to, examining, or following up with, the patients; and
- f. The prescriptions would be used to bill Medicare for items without medical determinations of necessity, solely based upon what an intake screener entered onto a form.

Overt Acts

5. In furtherance of the conspiracy and to effect the conspiracy, the following overt acts, among others, were committed in the District of South Carolina and elsewhere:

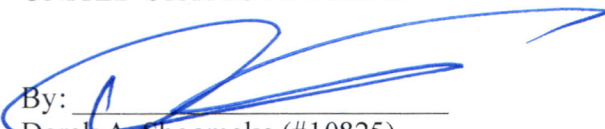
- a. In or about the Summer of 2020, the Defendant, who was a licensed physician in the District of South Carolina, signed a prescription for orthotic braces for Medicare beneficiary H.W.
- b. The Defendant never personally examined H.W., nor did the Defendant have any prior patient/healthcare professional relationship with H.W.
- c. The Defendant was paid for signing the prescription for the orthotic braces by the telemedicine company;
- d. A durable medical equipment company billed Medicare for the orthotic braces for H.W.
- e. At no point since signing the prescription on or about the Summer of 2020, did the Defendant follow-up, or otherwise have any direct or indirect contact, with H.W.

Improper Benefit Obtained

6. The value of the improper benefit conferred upon Mr. Hynes as a result of the charged conspiracy is between \$15,000 and \$40,000. See U.S.S.G. Section 2B4.1.

All in violation of Title 18, United States Code, Section 371.

ADAIR F. BOROUGHS
UNITED STATES ATTORNEY

By: 
Derek A. Shoemake (#10825)
Assistant U.S. Attorney
401 West Evans Street, Suite 222
Florence, South Carolina 29501
Tel.: (843) 665-6688
Fax: (843) 678-8809
Email: Derek.Shoemake@usdoj.gov